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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,455	03/19/2004	Lloyd R. Camp	06556-0050-00	7281
22852	7590	10/08/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER				
MCCORMICK, GABRIELLE A				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
10/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,455

Applicant(s)

CAMP ET AL.

Examiner

Gabrielle McCormick

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the Request for Continued Examination filed on September 17, 2009.
2. Claims 1 and 13 have been amended.
3. Claims 1-24 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 17, 2009 has been entered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunham et al. (US Pub. No. 2002/0013716, hereafter referred to as "Dunham") in view of Basile et al. (US Pat. No. 6,042,005, hereafter referred to as "Basile") in view of Sweatle (US Pat. No. 6,335,688) in view of Schwartz (US Pub. No. 2003/0037063).
7. **Claims 1 and 13:** Dunham discloses the method and system (P[0040] and Fig. 1):

- *receiving child update information on the child from a reporter;* (P[0052]: user name, login name, password and contact information; P[0062-0063]: users can update information specific to a client; P[0044]: system can be used for child welfare systems, thus a client is a child and data relating to the wellness of a child is collected and evaluated).
 - *storing the child update information in a central computer system;* (P[0040])
 - *receiving and storing welfare benefit payment information related to the child, the welfare benefit payment information comprising information related to a benefit payment received from the welfare system for the child* (P[0044]: system used for child welfare systems; P[0045]: system incorporates clinical, administrative and financial functions of care providing process; P[0092-0094]: contract information includes county programs that reimburse the participating agency for care provided and P[0096]: billing system tracks all receipts.)
 - *integrating the child update information and the welfare benefit payment information in the computer system that provides a centralized system for monitoring physical and financial welfare by stakeholders.* (P[0045]: "system incorporates clinical, administrative and financial functions of care providing process"; P[0021]: "network based integrated system of care"; P[0017]: all members of the team can input and obtain information about the clients. Note: by ensuring fiscal responsibility in the provision of individualized care (P[0093]), the financial welfare of the client is monitored in that the accounting procedures are tracked to ensure that a client will continue to receive services and obtain the reimbursements associated with the services. Further, the financial welfare is monitored by requiring authorization of a provider to perform a service (P[0084])).
8. Dunham does not disclose a *child identification card or observing the child*.
9. Basile, however, discloses a child identification card that is used to obtain the child's personal information. (C4; L1-4). The card contains a microchip that is read in order to display the child's information. The user is able to update the information in the id device. (C4; L28-52). It is inherent that the child is observed at the time the third party, such as the hospital, police, doctors, etc. interact with the child and obtain and update the id device.

10. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an identification card and observing the child, as disclosed by Basile, in the system of Dunham for the motivation of providing a third party, such as hospitals, police, EMS, doctors, schools and insurance companies with can access personal and medical information electronically when a child is involved in an accident, medical trauma or abduction. (Basile; C4; L28-46). It is obvious that the system of Dunham would include observing the child during at least the diagnosis process disclosed in P[0074].
11. Dunham does not disclose *determining a location of the child via a location device in the proximity of the child*.
12. Sweatte, however, discloses a smartcard that includes a GPS tracking device (C2; L31-36).
13. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included GPS on a smartcard, as disclosed by Sweatte, in the system of Basile for the motivation of tracking a means to track and locate a child. Basile discloses a child id card equipped with a chip to assist in providing information in the event of an emergency, including abduction. (Basile; C4; L28-33). Thus, it is obvious to expand Basile's smartcard to include the GPS-enabled smartcard of Sweatte in order to assist in locating an abducted child.
14. It is further obvious to store location information in the database of Dunham as Dunham is directed to providing tracking of services provided to a child in a child welfare system. One of ordinary skill in the art would recognize the benefit to storing location information in order to ensure contact with the child is maintained, as is the goal of providing child welfare services.
15. Dunham discloses a tickler list that acts as a docketing system and provides users with a listing of action items that are overdue, due the current day and day in the near future. (P[0061]). Further, a list of all the clients a coordinator is responsible for is displayed. (P[0062]). This discloses monitoring a plurality of children in the welfare system simultaneously. Dunham does not disclose the contents of the tickler list or the client list, therefore, Dunham does not explicitly disclose that the lists disclose *child update information*.

16. Schwartz, however, discloses alerting worker personnel when change occurs in any primary client risk score that is displayed in a case docket list. (P[0084] and Fig. 5c). P[0009] discloses that in child welfare, data is obtained periodically to monitor a child and its environment and that these inputs are variables into a risk assessment equation. Further, status updates are used in the risk assessment (P[0017]), thus, a change in the risk assessment score is child update information. The case docket list is the combination of update information for a plurality of children that is monitored simultaneously.
17. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a case docket that includes update information, as disclosed by Schwartz, in the system of Dunham for the motivation of assisting workers in caseload management. (Schwartz; P[0084]).
18. Further, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The simultaneous monitoring of a plurality of children would be performed regardless of the type of data monitored.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included update information because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the descriptive nature of data does not patentably distinguish the claimed invention.
20. **Claims 2 and 14:** Dunham discloses a PIN (P[0052]: user login name and password) and a case number (P[0072]).
21. **Claims 3 and 15:** Dunham discloses status and environment information about a child (P[0072]: current living situation, legal status, employment status and school placement and P[0087]: behaviors, school performance).

- 22. Claims 4 and 16:** Dunham discloses a date (P[0086]: "the day the service was provided" is part of the progress note update information.)
- 23.** Dunham does not explicitly disclose a time, however, it is obvious that data entries into a database are logged by time and date so as to allow the "tickler list" described in P[0061] to appropriately function. It is also obvious to expand Dunham to include a time of an entry as it is possible for numerous entries to be made in a given day, thus a time allows a further refinement of tracking the input of data.
- 24.** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a timed entry in the system disclosed by Dunham, for the motivation of providing a method of ordering data entries chronologically and providing the ticker list with the ability to send notifications due based on timed entries.
- 25. Claims 5, 6, 7, 8, 17, 18, 19 and 20:** Dunham discloses a "tickler list" (P[0061]) that generates reminders and reports (i.e., alerts) that indicate action items are overdue for users (i.e., reporters and stakeholders) and in P[0087], performance indicators are taken at every defined time duration for tracking purposes (thus updating the child's information). Dunham does not explicitly disclose that the ticker list will function to provide alerts when the performance update is due, however it is obvious for the tickler list to be programmed to do so. Dunham discloses that the tickler list generates reminders for action items that need to be completed, therefore, it is obvious to include the update to the performance indicators as a tickler item.
- 26.** Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a tickler for performance indicator updating, in the system of Dunham for the motivation of providing timely updating to a client's (i.e., child's) file to ensure that performance indicators are tracking the most currently available data. Dunham would be motivated to expand its system to ensure that a crisis plan can be developed in a timely fashion to address situations that require immediate attention. (P[0076]).
- 27. Claims 9 and 21:** Dunham discloses processing payments (P[0094]).

28. **Claims 10, 11 and 22:** Dunham does not disclose providing or scanning a case identification card.
29. Basile, however, discloses a child identification card that is used to obtain the child's personal information. (C4; L1-4). The card contains a microchip that is read in order to display the child's information. (C4; L39-46).
30. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an identification card, as disclosed by Basile, in the system of Dunham for the motivation of providing a third party, such as hospitals, police, EMS, doctors, schools and insurance companies with can access personal and medical information electronically when a child is involved in an accident, medical trauma or abduction. (Basile; C4; L28-46).
31. **Claims 12 and 24:** Dunham does not disclose receiving information via *an interactive voice response system*.
32. Schwartz, however, discloses that server access may also be allowed telephonically using automated menu driven methods and systems. (P[0108]).
33. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an interactive voice response system, as disclosed by Schwartz, in the system of Dunham for the motivation of providing alternative access to clients that do not have internet access for inputting data.
34. **Claim 23:** Dunham does not disclose a camera.
35. Basile, however, discloses a photograph of the child. (C3; L65-67). It is inherent in obtaining a photograph that a camera is used.
36. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a camera for taking a photo, as disclosed by Basile, in the system of Dunham for the motivation of providing a means of rapidly matching the identification card with the cardholder.

Response to Arguments

37. Applicant's arguments with respect to claims 1 and 13 have been considered but are not persuasive. Applicant's amendment resulted in new grounds of rejection.
38. Applicant argues that Dunham's system does not monitor welfare of a child in a welfare system but rather "monitors a plan of care and makes sure the plan is working" (Remarks; pg. 12). The Examiner asserts that the plan of care is directed to a child welfare system (Dunham; P [0044]).
39. Applicant further argues that Dunham does not monitor financial welfare of the child but rather "merely facilitates financial functions of the plan of care." (Remarks; pg. 12-13). The Examiner maintains that the system disclosed by Dunham "incorporates clinical, administrative, and financial functions of the care providing process...that provides client-centered care planning and individualized services while providing management tools that ensure fiscal responsibility." (Dunham; P [0045]). Dunham further discloses the "Financial Aspects of the System" P [0092-0097]) that include tracking which services are covered by insurance or other reimbursement programs (P [0094]). The tracking then determines the client balance and provides invoices with a description of the services provided. The Examiner asserts that the tracking of the financial aspects results in monitoring financial welfare of the client in that the client is only liable for the balance after insurance and other reimbursements are paid to the provider. P [0084] discusses reviewing planned actions for a client to determine overall cost of providing services that allows users to better understand the end result and the best means for achieving the result and includes reducing costs by utilizing family/community team care providers. This review process is another example of monitoring financial welfare.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3629

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3629